

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**MARC GRANO, as personal representative of
The WRONGFUL DEATH ESTATE OF
JONATHAN ANDREW GARCIA, and a Next
Friend to J.O.G., A.S.R., An.J.G., and Ar.J.G.**

Plaintiff,

v.

Case No. 1:20-cv-00147-PJK-KK

**STATE OF NEW MEXICO, GREGG
MARCANTEL, New Mexico Secretary of
Corrections, DAVID JABLONSKI, New Mexico
Secretary of Corrections, CLARENCE
OLIVAS, Deputy Warden of Penitentiary of
New Mexico JOHN DOES 1 through 5,
employees, staff, agents of Penitentiary of New
Mexico,**

Defendants.

**RESPONSE TO COURT'S ORDER TO SHOW CAUSE AND REQUEST FOR
FOURTEEN (14) DAYS TIME TO EFFECT SERVICE HEREIN FOR GOOD CAUSE AS
DELAY RELATES TO THE UNFORTUNATE PUBLIC HEALTH PANDEMIC AND
DIFFICULTIES ENSUING THEREFROM**

Plaintiff Marc Grano, as personal representative of the Wrongful Death Estate of Jonathan Andrew Garcia, and a Next Friend to J.O.G., A.S.R., An.J.G., and Ar.J.G., through counsel, Joseph M. Romero, hereby responds to the Court's Order to Show Cause [Doc. #4] and requests that the Court order that the deadline for service be extended for an appropriate period pursuant to Fed.R.Civ.P.4(m). As grounds in support of this request, Plaintiff states:

Plaintiff filed the Complaint in this case on February 20, 2020. On March 11, 2020, the first New Mexico Covid-19 novel coronavirus cases were reported. Shortly thereafter, Governor Lujan Grisham issued a "stay-at-home" order, similar to other states' "shelter-in-place" orders. That order required all non-essential personnel to remain home from work. While undersigned

counsel, and attorneys in general, were considered essential, support staff and contract staff, such as process servers and paralegals, are not necessarily essential staff. In addition, some process servers have elected to stay at home based upon personal susceptibility to the virus. In short, the business of running a solo practice has been particularly challenging as a result of the restrictions put in place to help ensure the health and well-being of the citizens of the state. Nevertheless, both Plaintiff and counsel are aware of the importance of the adherence to the rules of civil procedure in all litigation. To that end, Plaintiff has retained the services of a law clerk who has agreed to serve all Defendants in this case personally, beginning tomorrow, Friday, July 10th and continuing Monday, July 11th, 2020 until all Defendants have been duly served. This will include the duplicative service on the Attorney General required by state law for all state employees and state entities sued herein. Undersigned counsel has been advised by the New Mexico Attorney General's Office that it will not accept service at its Albuquerque office. Service will be completed on the Attorney General's Santa Fe location.

WHEREFORE, Plaintiff requests that the Court, for good cause shown, extend the deadline to effect service until Thursday, July 23, 2020. Plaintiff will file Returns of Service for each Defendant as soon as each is served so that the Court will be informed of Plaintiff's progress. Plaintiff does not believe that he will need any more than the requested time to fully serve the parties in this case.

Respectfully submitted,

/s/ Joseph M. Romero 7/9/20
JOSEPH M. ROMERO, Esq.
Attorney at Law
1905 Lomas Blvd. N.W.
Albuquerque, NM 87104
(505) 843-9776
Joe@romerolawnm.com